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C O N F I D E N T I A L SECTION 01 OF 02 HILLAH 000121

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SUBJECT: QADISIYAH ELECTORAL COMMISSION CHIEF ON NEW ELECTION LAW
DRAFT

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CLASSIFIED BY: Alfred Fonteneau, Regional Coordinator, REO Al Hillah, US Department of State.

REASON: 1.4 (b), (d)

¶1. (C) SUMMARY: Diwaniyah Independent Electoral Commission (IEC) head Saad Mazloum briefed REO staff on what he sees as serious shortcomings in the draft "High Commissions for Elections" law currently under consideration in the Council of Representatives. Mazloum warned that the infighting in the national Independent Electoral Commission of Iraq (IECI) between the commissioners and the Chief Electoral Officer (CEO) has opened a window for Iraqi political parties to replace non-partisan commission members and UN-trained technical staff with party loyalists, jeopardizing a long-term investment in UN training and oversight of the electoral process. END SUMMARY

¶2. (C) Qadisiyah Province (Diwaniyah) IEC head Saad Mazloum met with REO staff on July 20 to talk about what he sees as an alarming "first reading" of the draft electoral commissions law by the CoR Legal Affairs Committee. Mazloum said that chief drafter Sadrist CoR member had ignored competing drafts submitted by the commissioners and by IECI CEO Adel al-Lami in order to submit a proposal that would bring the IECI under political control.

¶3. (C) Mazloum brought up the following shortcomings:

-- All three drafts virtually ignore the UN's extensive screening of candidates for commissioner, exposure to best practice around the world, and training of IECI staff. The plans envision little role for the international community in the operations of the IECI's draft replacement, the High Commission for Elections.

-- The draft dismisses the UN electoral expert who serves as a non-voting ninth member of the commission. Instead, the President, Prime Minister, and CoR Chairman would select and submit to the CoR nine names for consideration by majority vote.

Mazloum predicted that the current UN-selected, supposedly non-partisan board would invariably be replaced with political party operatives.

-- CoR members for each of the seventeen provinces and two Baghdad districts (nineteen in total) would select their own provincial IECI head. If I want to keep my job, I can either talk with you or join SCIRI, Mazloum quipped. He noted that the current provincial IECI directors had all undergone UN assessment of their qualifications for the post.

-- The text gives the CoR the right to dismiss the High Commission at any time, putting the new electoral commission under the control of the majority party. Mazloum compared this provision to Canada's law, which gives electoral commissioners appointments for life. He suggested appointments for at least the five-year CoR term.

-- The text would allow political parties to dismiss at will IECI's 1200-strong technical staff, most of whom have been extensively trained by the UN over the last three years. Mazloum noted that while Commissioners can retire at 80% full salary, staffers have no retirement plan or benefit provisions for death or disability.

-- The text authorizes an "oversight committee" in each province to be filled by parties according to their representation in the CoR. Mazloum commented that there is already adequate communication with parties in all provinces given weekly coordination meetings, election operations room that include party observers, and similar measures. He questioned why the draft text made no provision for smaller parties that do not have CoR representation.

¶14. (C) The result, Mazloum concluded, is a text that at all levels turns over control of the electoral process to the dominant political parties in the CoR. He noted that in initial hearings, CoR members expressed no interest in technical topics such as the details of voter registration or regional ballot counting. Instead, debate centered on how High Commission seats would be apportioned out by party. Mazloum stated that the Kurds had demanded an increase of another seat to two seats total and religious parties had fought for three seats apiece.

¶15. (C) The arrests of current IECI commissioners for corruption and the draft text had sparked a free-for-all with some provincial IECI heads scrambling to use party connections to get themselves nominated to the new High Commission. Mazloum said he tried to put together a slate of independent candidates, but had received no interest from other provincial IEC heads.

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¶16. (C) Mazloum refused to predict when the IECI might be ready to shepherd provincial elections. He noted two currents within the Supreme Council for the Islamic Revolution in Iraq (SCIRI). The majority view seemed to be that SCIRI's majority in the South Central provincial councils was sufficient to move forward with federalism. Mazloum commented that there are many SCIRI politicians who argue that the party can justify holding off on elections until after the Fall, 2007 census by pointing to serious inaccuracies in the voter registration rolls (based on ration cards). However, he noted, there are others who see existing moderate seats within the South Central provinces as an impediment to solidifying religious party control over provincial councils or who would prefer early elections in order to reduce Da'wa's presence in South Central. Either way, Mazloum commented, the winners in South Central provincial elections next year will be Sadr and SCIRI, and moderate parties will continue to lose ground.

¶17. (C) In a separate meeting, Wasit IECI provincial head Hayder Abd Allawi confirmed much of what Mazloum said. Allawi thought that the CoR would adopt a new Electoral High Commission that would seat three Kurds, three Shi'a, and three Sunni politicians. In his view, the key issue would be their ability to hire and fire IECI staff. He echoed Mazloum in praising the professionalism and training of current staff, but noted that many electoral irregularities in previous elections were due to the mass hiring of temporary electoral workers of whom many, if not most, were affiliated with Shi'a religious parties.

FONTENEAU